

OPINION
46-263

May 17, 1946 (OPINION)

SCHOOLS

RE: Correspondence - Permit to Solicit

This office is in receipt of your letter of May 14, 1946, in regard to the applicability of chapter 236 of the Session Laws of North Dakota for 1943 (chapter 15-50 of the Revised Code of 1943) to a correspondence school situated in and incorporated under the laws of Illinois. You desire our opinion as to whether solicitors for this school must obtain permits from the commissioner of higher education, and also whether the school must be licensed in order to maintain solicitors in this state.

It may be true that the institution which you represent is engaged in interstate commerce. The state has, of course, no control over contracts entered into between your school and residents of North Dakota by mail. United States statutes protect people from fraud through the use of the mails. But if and when solicitors are employed, it is our opinion that the state of North Dakota, in the exercise of its police power, may require that they first obtain permits in order to transact business therein. Their employment is somewhat analogous to agents employed by insurance companies. The state may, in our opinion, under its inherent police power require such permits in order to prevent its people from being defrauded by misrepresentation when induced to enter into such contracts by solicitors.

NELS G. JOHNSON

Attorney General